

commenced and continued by the act of the defendant against the will of the wife, and the refusal or neglect of the former to make provision for her support.

There can be no sort of doubt that it is the duty of the husband to provide a suitable maintenance for his wife, and that if he will not do so some proper remedy should be provided to compel him. It is true that an action may be brought against the husband in a court of common law by any person who may supply the wife with necessaries under such circumstances, according to her rank and condition, but this is at best but a precarious and uncertain reliance, and persons may not be found who are willing to trust the contingencies and delay which may be interposed to prevent recoveries in such cases. It would be far better if some proceeding could be instituted by which the husband shall be compelled to pay alimony, or that the wife shall be restored to her conjugal rights. But in this state there is no tribunal competent to entertain a suit for the restoration of conjugal rights, and hence the only alternative is to leave the wife, in case the husband refuses to provide a suitable maintenance for her, to be supplied by strangers who may be willing to look to the husband for their reimbursement, or to grant her alimony out of his estate.

It has been already remarked that in Maryland a previous decree divorcing the parties, *a mensa et thoro*, is not indispensable to the granting the wife alimony out of the property of the husband. In *Wallingsford vs. Wallingsford*, 6 H. & J., 485, the Court of Appeals said, that "alimony is a maintenance afforded to the wife where the husband refuses to give it, or where from his improper conduct he compels her to separate from him," and that it is "a provision for her support to continue during their joint lives, or so long as they live separate." According to the pleadings and proceedings in that case there had been no divorce, and it is nowhere intimated that such was a necessary prerequisite to the allowance of alimony. So far from it the prayer of the petition which asked for alimony, the court say cannot be granted because the record did not show the value of the property of the husband, the *data* by which the amount